

**BOARD OF REGENTS**  
**BRIEFING PAPER**

Code Revision, Vacancy in the Office of the Chancellor

**BACKGROUND & POLICY CONTEXT OF ISSUE**

This is a *Code* revision and requires two hearings of the Board. The matter was heard for the first time before the Board as in information only item at its March 9-10, 2023, meeting and is brought forward to the June 8-9, 2023, meeting for final action. As requested by the Board, the version presented herein includes the chair of the Inclusion, Diversity, Equity and Access Council as a member of the advisory committee to the ad hoc Chancellor's Search Committee.

At the June 2022 regular meeting of the Board of Regents, a review of the Code provisions governing the selection of an acting or interim Chancellor was requested under New Business. The current provisions of *Title 2, Chapter 1, Section 1.5.3* require the Chair of the Board to recommend to the Board the appointment of an acting or interim Chancellor whenever a vacancy in the position of Chancellor occurs. The provisions do not provide for a timeline for the recommendation of acting or interim Chancellor but do indicate that the Chair must meet with major constituencies including the presidents and faculty senate chairs. In addition, the Chair may consult with other constituencies including but not limited to provosts, vice presidents, faculty and other institution staff, vice chancellors and other system staff, student leadership, institutional advisory board members, foundation trustees, community and legislative representatives.

The Chancellor's Office reviewed the current provisions and hereby recommends revisions to the process for selecting an acting or interim Chancellor, including deadlines for the recommendation to the Board and further limitations for the time an acting Chancellor may serve. The recommended revisions provide for the Chair and Vice Chair to work together in recommending individuals for the Board's consideration of an acting or interim Chancellor. The full Board will then have an opportunity to interview the recommended candidate at the public meeting during which the Board considers the appointment. The recommended revisions expand the process by requiring the Chair and Vice Chair to work together throughout the process of selecting an individual for recommendation to the full Board.

During the initial hearing of this proposal at the Board's March 9-10, 2023, meeting, regents expressed a desire that the policy include a provision such that the names of the individuals *considered* by the Chair and Vice Chair for the position of acting or interim Chancellor be disclosed to the Board. NRS 241.033 prohibits a public body from discussing individuals *considered* for the position, who did not formally apply, at a public meeting without their written consent. If the full Board wishes to interview several candidates, then a more lengthy search process, such as that established for the appointment of a permanent Chancellor, should be followed. However, the advantage of being able to appoint an acting or interim Chancellor in a timely fashion is thereby lost.

Please note that under the proposed policy, the final appointment of an acting or interim Chancellor must be made by the full Board at a public meeting and it is then that the full Board appropriately considers the individual being recommended.

**SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED**

Amend *Title 2, Chapter 1, Section 1.5.3* to:

- Require the Board to consider whether it will request recommendations for an acting Chancellor or interim Chancellor at the next regular or special meeting of the Board.
- Require that within 60 days of the Board’s request for acting or interim Chancellor recommendations, the Chair and Vice Chair shall meet with currently identified constituencies (including presidents and faculty senate chairs) and recommend the appointment of an individual to the full Board.
- Provide that full Board will then have an opportunity to interview the recommended candidate at the public meeting during which the Board considers the appointment.
- Limit the time that an acting Chancellor may serve to no more than twelve months.
- Require the Chair to consult with the Vice Chair on the selection of members of the Regents’ Chancellor Search Committee.

See the attached Policy Proposal.

**IMPETUS (WHY NOW?)**

This recommendation is brought forward as a result of a New Business request from the June 2022 regular meeting of the Board.

**CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:**

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21<sup>st</sup> century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

**INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL**

Not applicable.

**BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION**

The recommended revisions expand the authority to recommend an individual to the role of acting or interim Chancellor from the Chair only to the Chair and Vice Chair. In addition, the revisions allow for input of the full Board at the beginning of the process where the Board would consider whether the vacancy is filled by an acting or interim chancellor. And further, the revisions indicate the Board may interview the candidate for acting or interim Chancellor at the public meeting when the candidate is considered for appointment, effectively allowing all Board members the opportunity to learn more about the candidate before a vote for the appointment is taken.

**POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION**

None have been brought forward.

**ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED**

Maintain the provisions of *Title 2, Chapter 1, Section 1.5.3* as currently written.

**RECOMMENDATION FROM THE CHANCELLOR'S OFFICE**

The Chancellor's Office supports the revisions as presented herein.

**COMPLIANCE WITH BOARD POLICY:**

Consistent With Current Board Policy: Title # \_\_\_\_\_ Chapter # \_\_\_\_\_ Section # \_\_\_\_\_  
 Amends Current Board Policy: *Title 2, Chapter 1, Section 1.5.3*  
 Amends Current Procedures & Guidelines Manual: Chapter # \_\_\_\_\_ Section # \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Fiscal Impact: Yes \_\_\_\_\_ No   
Explain: \_\_\_\_\_

**POLICY PROPOSAL**  
**Title 2, Chapter 1, Section 1.5.3**  
Vacancy in the Office of the Chancellor

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

**1.5.3 Vacancy in the Office of the Chancellor.**

....

- (d) Whenever a vacancy occurs or is about to occur in the position of Chancellor, the [~~Chair of the~~ Board shall, *at the next regular or special meeting of the Board, consider whether it will request recommendations for an acting Chancellor or an interim Chancellor. Within sixty (60) days of the Board's request, the Chair and Vice Chair shall* recommend to the Board *an individual* for the appointment of an acting or interim Chancellor. Prior to making the recommendation of an acting or interim Chancellor, the Chair *and Vice Chair* of the Board shall first meet with major constituencies of the NSHE, including presidents and faculty senate chairs, to receive their suggestions and input for the appointment of an acting or interim Chancellor. Additional constituencies may include, but are not limited to provosts, vice presidents, faculty and other institution staff, vice chancellors and other system staff, student leadership, institution advisory board members, foundation trustees, community and legislative representatives. *During a meeting at which the Board considers the appointment of an individual for acting or interim Chancellor, the Board will have an opportunity to interview the candidate. Any such interview questions shall be pertinent to the role and responsibilities of Chancellor.*
- (e) [~~After considering the Chair's recommendation and rationale for the appointment of an acting or interim Chancellor,~~ *If an acting Chancellor is appointed, the specified term shall not exceed twelve (12) months, during which time the Board shall conduct a search pursuant to subsection (f). An acting Chancellor shall not be eligible for consideration as a candidate for the permanent appointment as Chancellor.*

*If an interim Chancellor is appointed,* the Board shall determine whether a search *will* be conducted or if an interim Chancellor *will* be appointed to a specified term of one to three years. [~~If an acting Chancellor is appointed, the~~]

An interim Chancellor *may only be appointed* for a specified term of one to three years by an affirmative vote of not less than two-thirds of the Board. At any time prior to the expiration of the interim Chancellor's specified term, the Board may *decide* to conduct a search for a permanent Chancellor. *Any such* search shall be conducted in the manner provided in this Section 1.5.3. An interim Chancellor must serve at least *one* year before the Board may consider making the appointment permanent. At the time it considers making the appointment permanent, the Board shall, at a public meeting, first allow and consider input from the NSHE's major constituencies. Before considering whether to make the interim appointment permanent, the Board may, in accordance with the Board policy governing Chancellor evaluations, conduct a periodic evaluation of the interim Chancellor's performance.

- (f) [~~If an acting Chancellor is appointed, an~~ *Any time a Chancellor search is conducted, the Board shall determine whether to conduct a national, regional, in-state or other search for a permanent Chancellor. An ad hoc Regents' Chancellor Search Committee composed of four to*

six members of the Board of Regents shall be appointed by the Board's Chair, ***in consultation with the Board's Vice Chair***, for the purpose of recruiting and recommending a nominee or nominees to the Board of Regents for appointment to the position. The Chair of the Board, ***in consultation with the Vice Chair***, shall appoint the Chair of the Regents' Chancellor Search Committee. The Committee shall be provided staff assistance by the Chief of Staff and the Board Office and such other assistance as it may request. Before it makes its recommendation or recommendations to the Board, the Committee shall consult with an advisory Committee consisting of the Presidents of the System institutions, the chairs of the ***faculty*** senates, the Presidents of the student governments, ***president of the classified council executive board, chair of the Inclusion, Diversity, Equity and Access Council***, and any other NSHE or community representatives as determined by the Board Chair ***and Vice Chair***. The System ***designated*** affirmative action officer shall serve as an ex officio member of the ad hoc Committee. The advisory members serve as non-voting members to provide input on matters being considered.

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